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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR-07-70081 PVT
11)
11 Plaintiff,) STIPULATION, WAIVER AND
12) [PROPOSED] ORDER CONTINUING
12 vs.) PRELIMINARY HEARING AND
13) EXCLUDING TIME FOR INDICTMENT
13 JOKAELLE PORTER,)
14)
14 Defendant.)
15 _____)

16 **STIPULATION AND WAIVER**

17 The parties hereby stipulate and agree that the date of March 1, 2007 currently set for
18 preliminary hearing and/or arraignment may be continued for two weeks to March 15, 2007, at
19 9:30 a.m. Mr. Porter, by his signature below, further consents to extend by two weeks the time
20 for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure. The purpose
21 of the requested continuance is to permit the defense to investigate Mr. Porter's prior record and
22 to facilitate the parties' efforts to reach a pre-indictment resolution. The parties further agree that
23 the intervening two weeks may be excluded from the time within which an indictment shall be
24 filed, as the reasonable time necessary for effective defense preparation under 18 U.S.C.
25 §3161(h)(8)(A) and (B)(iv).

26

1 Dated: February 22, 2007

2 s/
3 CYNTHIA C. LIE
Assistant Federal Public Defender

4 Dated: February 22, 2007

5 s/
6 JOKAELLE PORTER
Defendant

7 Dated: February 23, 2007

8 s/
9 THOMAS M. O'CONNELL
Assistant United States Attorney

10 [PROPOSED] ORDER

11 Good cause appearing and by stipulation of the parties, it is hereby ordered that the date
12 set for preliminary hearing and/or arraignment in the above-captioned matter shall be continued
13 from Thursday, March 1, 2007 to Thursday, March 15, 2007 at 9:30 a.m.

14 It is further ordered that 14 days shall be excluded from the time within which an
15 indictment shall be filed under the Speedy Trial Act, as the reasonable time necessary for
16 effective preparation of counsel, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

18 Dated: February ___, 2007

19 _____
20 PATRICIA V. TRUMBULL
United States Magistrate Judge

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